

**HOUSE JOURNAL  
60TH LEGISLATURE / SPECIAL SESSION MAY 2007  
SECOND LEGISLATIVE DAY**

Helena, Montana  
May 11, 2007

House Chambers  
State Capitol

House convened at 8:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wells. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 7**, introduced by Koopman, Jore, Kasten, Sales, Blasdel, Himmelberger, Boggio, Wells, Everett, Butcher, Kerns, Heinert, Vincent, Brown, Jackson, McGillvray, Bales, Mendenhall, Rice, Beck, O'Neil, Shockley, Balyeat, Barrett, Curtiss, Taylor, Lange, McGee, Witte, Morgan, Hawk, referred to Taxation.

**ANNOUNCEMENTS**

Committee meetings were announced.

Democratic Caucus Leader Villa announced the Democrats would caucus.

Majority Leader Lange moved the House stand in recess until 11:30 a.m. There being no objections, so ordered.

The House reconvened at 11:30 a.m. Mr. Speaker in the Chair. Quorum present.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

5/12/2007

**SB 2**, introduced by Williams

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 2**, introduced by Williams, Glaser, Ryan, referred to Education.

Majority Leader Lange moved the House stand in recess until 5:00 p.m. There being no objections, so ordered.

The House reconvened at 5:00 p.m. Mr. Speaker in the Chair. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (L. Jones, Chairman):

5/11/2007

Correctly engrossed: **SB 2**, **HB 3**, **HB 8**.

**EDUCATION** (Jore, Chairman):

5/11/2007

**HB 2**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** line 9

HOUSE JOURNAL  
SECOND LEGISLATIVE DAY - MAY 11, 2007

**Insert:** "MAKING ALL KINDERGARTEN PROGRAMS OPTIONAL;"

2. Page 7, line 18.

**Strike:** "shall"

**Insert:** "may"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Himmelberger, Chairman):

5/11/2007

**HB 6**, do pass. Report adopted.

**TAXATION** (Lake, Chairman):

5/11/2007

**HB 3**, introduced bill, be amended as follows:

1. Page 3, line 27.

**Strike:** ", including cellulosic ethanol"

**Insert:** "made from cellulose or other nonfoodstuff materials"

2. Page 4, line 12.

**Strike:** "ethanol, including"

3. Page 5, line 19.

**Strike:** the third "and"

4. Page 5, line 20.

**Following:** "7]"

**Insert:** "; and

(l) pipelines classified under [section 7]"

5. Page 6, line 19 through line 20.

**Strike:** "Certification" on line 19 through "conditions." on line 20

And, as amended, do pass. Report adopted.

**HB 7**, do pass. Report adopted.

**HB 8**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Strike:** "June"

**Insert:** "July"

2. Page 27, line 16.

**Strike:** "1,"

**Following:** "3"

**Strike:** ", "

3. Page 27, line 18.

**Following:** line 17

**Insert:** "(2) [Section 1] is effective July 1, 2008."

**Renumber:** subsequent sections

HOUSE JOURNAL  
SECOND LEGISLATIVE DAY - MAY 11, 2007

4. Page 27, line 18.

**Strike:** "11"

**Insert:** "12"

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 8**, introduced by Jore, McNutt, Butcher, Sonju, Koopman, Sales, Boggio, Kerns, Malcolm, Ross, K. Peterson, Rice, Heinert, Lake, McGillvray, Barrett, Blasdel, Ingraham, Everett, referred to Taxation.

**MOTIONS**

Representative Keane moved that the 60th Legislature call itself into a special session to run concurrently with the special session called by the Governor for the purpose of considering legislation to limit the remedy under MEPA to a remand to the agency.

Representative Bergren moved the House recess for five minutes. Without objection, so ordered.

House reconvened. Mr. Speaker in the chair. Quorum present.

The motion by Representative Keane carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Groesbeck, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, W. Jones, Jore, Kasten, Keane, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Vincent, Wells, Witte, Mr. Speaker.

Total 51

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, Jopek, Kottel, McAlpin, McChesney, Musgrove, Noonan, O'Hara, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Lange moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading,

HOUSE JOURNAL  
SECOND LEGISLATIVE DAY - MAY 11, 2007

recommend as follows:

**SB 2** - Representative Glaser moved **SB 2** be concurred in.

**SB 2** - Representative Raser moved **SB 2**, second reading copy, be amended as follows:

1. Title, page 1, line 10.

**Strike:** "MAKING" through "OPTIONAL;"

2. Page 7, line 19.

**Strike:** "MAY"

**Insert:** "shall"

Amendment adopted as follows:

Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, O'Hara, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 53

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 2** - Representative Jore moved **SB 2**, second reading copy, be amended.

Amendment **failed** as follows:

Ayes: Ankney, Barrett, Beck, Blasdel, Boggio, Butcher, Dutton, Everett, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.

Total 41

Noes: Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, Lambert, McAlpin, McChesney, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 59

HOUSE JOURNAL  
SECOND LEGISLATIVE DAY - MAY 11, 2007

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 2** - Representative Jore moved **SB 2**, second reading copy, be amended.

Amendment **failed** as follows:

Ayes: Ankney, Barrett, Beck, Blasdel, Boggio, Butcher, Dutton, Everett, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Klock, Koopman, Lake, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.  
Total 38

Noes: Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Musgrove, Noonan, Nooney, O'Hara, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 62

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 2** - Representative Dutton moved **SB 2**, second reading copy, be amended.

Amendment **failed** as follows:

Ayes: Arntzen, Blasdel, Boggio, Dutton, Heinert, Hendrick, Himmelberger, Kasten, Lange, Mendenhall, Morgan, Peterson, Sinrud, Taylor, Vincent, Wells.  
Total 16

Noes: Ankney, Augare, Barrett, Beck, Becker, Bergren, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Keane, Klock, Koopman, Kottel, Lake, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 83

Excused: None.  
Total 0

Absent or not voting: Kerns.  
Total 1

HOUSE JOURNAL  
SECOND LEGISLATIVE DAY - MAY 11, 2007

**SB 2** - The motion to concur in **SB 2**, as amended, carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, Lange, McAlpin, McChesney, McNutt, Milburn, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 68

Noes: Barrett, Beck, Blasdel, Boggio, Butcher, Everett, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Jore, Kasten, Kerns, Koopman, Lake, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, Nooney, Peterson, Rice, Sinrud, Sonju, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.  
Total 32

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Majority Leader Lange moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Arntzen, Augare, Becker, Bergren, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Milburn, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Reinhart, Ross, Sands, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 69

Noes: Barrett, Beck, Blasdel, Boggio, Everett, Hawk, Heinert, Hilbert, Himmelberger, Ingraham, Jore, Kasten, Koopman, Lake, Malcolm, Mendenhall, Morgan, Musgrove, Peterson, Rice, Ripley, Sinrud, Sonju, Taylor, Vincent, Wells, Mr. Speaker.  
Total 27

Excused: None.  
Total 0

Absent or not voting: Ankney, McGillvray, Raser, Sesso.  
Total 4

Majority Leader Lange moved that **SB 2** be placed on third reading. Without objections, so ordered.

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HOUSE JOURNAL  
SECOND LEGISLATIVE DAY - MAY 11, 2007

**SB 2** concurred in as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Milburn, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Reinhart, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 68

Noes: Barrett, Beck, Blasdel, Boggio, Butcher, Everett, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Jore, Kasten, Kerns, Koopman, Lake, Malcolm, McGillvray, Mendenhall, Morgan, Nooney, Peterson, Rice, Sinrud, Sonju, Stoker, Taylor, Wells, Witte, Mr. Speaker.  
Total 30

Excused: None.  
Total 0

Absent or not voting: Raser, Ward.  
Total 2

**UNFINISHED BUSINESS**

**HB 4**, introduced by Callahan, the following sponsor was added:  
Senator Brueggeman.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 9:00 a.m., Saturday, May 12, 2007. Motion carried.

House adjourned at 7:40 p.m.

MARILYN MILLER  
Chief Clerk of the House

SCOTT SALES  
Speaker of the House